

IN THE SENATE OF THE UNITED STATES.

APRIL 8, 1858.—Ordered to be printed.

Mr. JOHNSON, of Arkansas, made the following

REPORT.

[To accompany Bill S. 252.]

The Committee on Military Affairs and the Militia, to whom was referred the memorial of Charles McCormick, an assistant surgeon in the army, praying compensation for certain extra services, having had the same under consideration, report :

This case was favorably considered at the last session of Congress, and passed the Senate, and failed in the House of Representatives for want of time. His memorial is as follows :

To the honorable the House of Representatives of the United States of America :

The undersigned begs leave respectfully to represent that he is, and has been for the last seventeen years, an assistant surgeon in the army of the United States ; that during the greatest part of the period of the war with Mexico he was on duty in the city of New Orleans, Louisiana ; that, in addition to the ordinary duties of an assistant surgeon, (which at such a time and such a place were *very* laborious,) he was called on to perform other duties, involving far greater pecuniary responsibility, and of a nature that rendered it next to impossible to avoid losses ; that these extra duties were as follows :

Special duty as a disbursing agent of the medical department of the army at New Orleans, Louisiana ; purchasing, receiving and issuing large quantities of medicines, instruments, hospital stores, &c., for the army in Mexico, and to regiments, detachments and companies of the regular and volunteer troops passing through New Orleans. This was a responsible duty, and involved the disbursement of a considerable sum of money.

Special duty in making disbursements under the clause " For providing for the comfort of discharged soldiers who may be landed in New Orleans, or other places within the United States, so disabled by disease or wounds received in the service as to be unable to proceed to their homes, and for forwarding destitute soldiers to their homes, five

hundred thousand dollars; said sum to be applied and expended under the direction of the Secretary of War."—(In the act of Congress making appropriations for the support of the army and volunteers for the year ending June 30, 1848, and for other purposes, approved March 2, 1847.)

This was a most perplexing and responsible duty; it crowded my office almost constantly with applicants for relief.

Joining this to the other numerous duties I had to perform, all requiring my own special attention, it caused me to be almost constantly surrounded by hurry, bustle and confusion, thus rendering it almost a matter of necessity that I should sustain losses.

Under this act, also, I had to purchase and issue in detail large quantities of clothing to men under all circumstances—sick, dying, and often dead men, to have them decently buried. For this duty *alone*, discharged to men of one company only, captains in the army are allowed ten dollars per month. I issued clothing to men of nearly every regiment and company, both volunteer and regular in service, and under circumstances where the clothing responsibility was more than a hundred-fold greater.

I had also pecuniary responsibility and considerable loss in making out the final statements of great numbers of invalid soldiers discharged in the city of New Orleans.

Under an act of Congress all paymasters in the army were allowed a per centage for payments made to volunteers.—(See act of Congress approved August 12, 1848.) Inasmuch, therefore, as Congress in allowing ten dollars per month to captains of companies for clothing responsibility, and a per centage to all paymasters for payments to volunteers, has thought it just and proper to make such allowances to officers of the army for responsible and extra duties, to cover unavoidable losses, and as I have sustained losses and performed for two or three years arduous extra duties, as above enumerated, I therefore respectfully pray Congress may allow me a two and a half per centage on the amount of public money disbursed by me under the act approved March 2, 1847.

CHARLES McCORMICK.

In 1851, in answer to a communication from this committee, the Surgeon General writes as follows:

SURGEON GENERAL'S OFFICE,
January 31, 1851.

SIR: Your communication of the 28th instant, enclosing to me a memorial from Assistant Surgeon Charles McCormick, of the United States army, and asking my opinion upon the merits of the petition, I have had the honor to receive.

The memorial sets forth that, in addition to a full measure of duty in his own proper department, Doctor McCormick was called on to disburse the money appropriated by the act of Congress approved the 2d of March, 1847, "providing for the comfort of discharged soldiers who may be landed at New Orleans, or other places in the United

States," &c., &c., and he asks that, in consideration of the extra labor performed, and the heavy responsibilities assumed, an allowance of — per centum be made to him, in the final settlement of his accounts at the treasury, out of the balance of the appropriation remaining on hand.

Upon the subject-matter of this memorial I beg leave to submit the following remarks :

Assistant Surgeon McCormick was, in 1846, stationed in the city of New Orleans to act as medical purveyor, the duties of which office were not only to receive and keep in depot a large amount of medical stores from New York for reissue, but also to purchase medical supplies at New Orleans, and forward them upon special requisitions to the different army corps employed on the theatre of war.

In addition to these duties as medical purveyor, he had necessarily to give his professional services to the officers, soldiers, and government employes, stationary and transient in New Orleans, the whole giving as full employment as could justly be required from one individual. While thus engaged in the discharge of his legitimate functions, Doctor McCormick was called upon by General George M. Brooke, the military commander at New Orleans, to give his attention to the numerous invalided discharged soldiers arriving in New Orleans from Mexico and other places, and to disburse the money appropriated for their benefit.

The business of collecting together and providing for the discharged soldiers coming in from various divisions of the army was altogether extraneous or foreign to his legitimate duties, a service over and above what could have been legally exacted or reasonably required of him, without the prospect of remuneration for extraordinary responsibility and actual loss sustained in the disbursement of the money entrusted to his care and management.

By an extraordinary effort of mind and of body, involving much labor by day and by night, however, Doctor McCormick accomplished all that was required of him, and, as far as I can learn, to the satisfaction of all concerned.

Having witnessed, during a portion of the time, his active and untiring devotion to the relief of all who came within the provisions of the act of Congress above cited, I can speak understandingly of the nature and extent of the duties which were thrown upon Doctor McCormick ; and I am free to say that, *if remuneration for extra labor performed, heavy responsibility assumed, or actual loss sustained, can in any instance be accorded to a public agent, the prayer of the memorialist is entitled to the most favorable consideration.*

With sentiments of very high respect, I am your obedient servant,
 THOMAS LAWSON,
Surgeon General.

Hon. JAMES SHIELDS,
United States Senate.

The committee have examined this claim with a good deal of care, and can see no reason for a change of the opinions heretofore expressed

in relation to it ; but, on the contrary, as Congress has several times accorded extra compensation for extraordinary labor and responsibility, they with greater confidence report a bill for Doctor McCormick's relief, and recommend its passage. The amount disbursed by the memorialist is \$280,522 26.